

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

eliminates the Maine Low-Level Radioactive Waste Authority, adds new functions to the radiation control program within the Department of Human Services and replaces the Advisory Commission on Radioactive Waste with a new advisory and educational body called the Maine Commission on Radioactive Waste.

This bill also addresses issues concerning the Radiation Control Program in the Department of Human Services. It reinstates the Advisory Committee on Radiation, to provide the department with advice on the regulation of radiation-producing materials and devices and their use; and to comply with Maine's agreement state status with the United States Nuclear Regulatory Commission on the regulation of radioactive materials. This bill also provides for full funding to the Health and Environmental Testing Laboratory for radiochemical analysis to support environmental surveillance testing activities for the Maine Yankee Atomic Power Company and adjust the fees assessed by the Radiation Control Program on the Maine Yankee Atomic Power Company.

COMMITTEE AMENDMENT "A" (S-567) deletes language moving the Advisory Commission on Radioactive Waste from the Department of Environmental Protection to the Department of Human Services and reconstituting the commission. In the amendment, the commission remains in the Department of Environmental Protection, with added duties as provided in the bill. The amendment also adds 2 Legislators to the membership specified in the bill, to make legislative membership conform to the current commission membership. The appointing authority for representatives of radioactive material licensees is changed from the Governor to the President of the Senate and the Speaker of the House of Representatives, as under current law.

The amendment clarifies the service fee and the Texas Low-Level Radioactive Waste Disposal Compact Commission cost assessments, provides for the transfer of funds from the Radioactive Waste Fund to pay costs of the advisory commission and creates a fund in the Department of Environmental Protection to receive those transfers.

The amendment increases the advisory commission budget and provides deallocations and allocations among funds. The amendment adds a dentist to the Advisory Committee on Radiation within the Department of Human Services and authorizes the committee to report to joint standing committees of the Legislature. The amendment also adds an emergency clause and preamble and a fiscal note and conforms existing law to current drafting standards.

**LD 1953**

## **An Act to Designate Certain Lands under the Constitution of Maine, Article IX, Section 23**

PUBLIC 639

**SPONSOR(S)**  
MITCHELL J

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-858

### **SUMMARY**

LD 1953 implements the provisions of the Constitution of Maine, Article IX, Section 23. Under the provisions of this bill, a 2/3 vote of the Legislature is required to reduce the size or substantially alter the use of designated conservation or recreational lands. Lands designated in this bill include state-owned wildlife management areas and public access sites, public lands and public reserved lots, state parks and historic sites, the Allagash Wilderness Waterway, Baxter State Park Authority lands other than those deeded by Governor Baxter or contiguous thereto, lands that were acquired by deed of gift if those deeds allow for conveyance or changes of use and lands acquired by the Land for Maine's Future Board.

As required by the Constitution of Maine, this bill provides that proceeds from the sale of those lands must be used to purchase additional lands in the same county for the same purpose.

This bill also expresses the intent of the Legislature that land may not be delisted once it is designated, except by a 2/3 vote of the Legislature, and that additional parcels of land or classes of land may be added by future Legislatures as the need arises.

COMMITTEE AMENDMENT "A" (H-858) clarifies the bill with respect to the definition of the term "substantially altered" and with respect to what lands acquired by the State by deed of gift were intended to be designated. The amendment specifically states that lands deeded to the State by Governor Percival P. Baxter by deeds of gift and lands managed by the Baxter State Park Authority that are contiguous with Baxter State Park are not designated lands. The amendment also changes the list of lands designated in the bill by including public boat facilities held by the Bureau of Parks and Recreation and by excluding submerged lands and 6 parcels of public reserved lands currently held by the Bureau of Public Lands that were acquired with the specific intent to trade. Those parcels acquired for the purpose of trade consist of 2 parcels in Bradley that total 8,843 acres, 3 parcels in LaGrange that total 2,048 acres and one 804-acre parcel in Bradford.

**LD 1993      An Act to Demonstrate the Value the State Places on  
a Strong, Competitive and Sustainable Paper Industry**

PUBLIC 671

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>	
COLES	OTP-AM	MAJ	H-1104	
DUTREMBLE D	ONTP	MIN	S-660	BALDACCI

**SUMMARY**

The bill proposed a 3-part approach to assisting the pulp and paper industry with financing a broad range of capital improvements, including process changes and investments to comply with new environmental regulations.

The first part enables the pulp and paper industry to access tax-exempt financing more easily. It provides for the annual evaluation of the eligible projects within the pulp and paper industry for private activity bonds administered by the Finance Authority of Maine. This portion of the original bill was enacted.

The second part is the establishment of a special pulp and paper industry tax increment financing program that will assist the pulp and paper industry in utilizing tax increment financing for improvements. Specifically, the bill exempts the pulp and paper industry from the 2% acreage limitation, 5% assessed value limitation and the \$50,000,000 per county indebtedness limitation applicable to other tax increment financing districts. Narrowed to include only environmental improvement investments as described below, this portion of the bill was enacted in somewhat modified form as part of the committee amendment (H-1104).

The third part of the original proposal would have established a special state tax increment financing program for the pulp and paper industry. This program would have enabled the establishment of special districts to allow the capture of up to 100% of the sales and use tax and individual income tax withholding generated by the construction of improvements at a mill or other premises where a project is located. This portion of the bill was not enacted.

COMMITTEE AMENDMENT "A" (H-1104), the majority committee report, replaced those portions of the bill that would have established a combined property tax and state tax increment financing program for the pulp and paper industry.

The property tax increment financing program incorporated in the committee amendment is described above. The committee amendment replaced the state tax increment financing proposal of the bill with a new \$20 million program of direct financial assistance to the pulp and paper industry to assist in financing environmental investments. The new program is administered by the Commissioner of Economic and Community Development.